## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CRAIG L. BEENE	]	
Petitioner,	]	
	]	
V.	]	No. 3:07-0033
	]	Judge Trauger
STEPHEN DOTSON, WARDEN	]	
Respondent.	]	

## ORDER

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion for Summary Judgment (Docket Entry No. 10). Therefore, the Motion for Summary Judgment is GRANTED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

Aleta A. Trauger

United States District Judge